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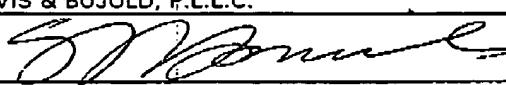
**TRANSMITTAL
FORM***(to be used for all correspondence after initial filing)*

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/771,999
	Filing Date	February 4, 2004
	First Named Inventor	Nathan TAYLOR
	Group Art Unit	1722
Examiner Name	Jason Y. PAHNG	
Total No. of Pages in this Submission: 3	Attorney Docket Number	NATNAN P01AUS

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee attached <input checked="" type="checkbox"/> Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request (in Duplicate) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Part/s Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> To Convert a Provisional Petition <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Additional Enclosure(s) (please identify below):
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REMARKS**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual Name	Scott A. DANIELS DAVIS & BUJOLD, PLLC.	Reg. No. 42,462
Signature		
Date	March 3, 2006	

CERTIFICATE OF TRANSMISSIONI hereby certify that this correspondence is being facsimile transmitted to the USPTO on March 3, 2006.

Type or printed name	Scott A. DANIELS
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3/03/06

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Nathan TAYLOR
Serial no.	:	10/771,999
Filed	:	February 4, 2004
For	:	A BASKET MOLD, METHOD AND SYSTEM FOR MAKING A BASKET MOLD
Group Art Unit	:	1722
Examiner	:	Jason Y. PAHNG
Docket	:	NATNAN P01AUS
The Commissioner for Patents		
U.S. Patent & Trademark Office		
P. O. Box 1450		
Alexandria, VA 22313-1450		

RESPONSE

Dear Sir:

This response is being filed in reply to the office action mailed February 15, 2006. In that action, the Examiner has required restriction under 35 U.S.C. § 121 between the following groups of claims:

- I. Claims 1-9, drawn to an expandable mold in class 147 and subclass 25;
- II. Claims 10-11, drawn to a process for making an expandable mold, classified in class 147 and subclass 3; and
- III. Claims 12-15, drawn to a system for making a basket mold in class 147 and subclass 48.

The Applicant elects with traverse for the reasons set forth below, the invention disclosed in Group I (claims 1-9) and that in any event, it is requested that, without further action thereon, claims 10-15 be retained in this application pending disposition of this case and for possible filing of a divisional application(s).

The Applicant adamantly asserts that the inventions of Group I and II are not patentably distinct. Initially the applicant notes that the independent claims 1 and 10 of each group recites substantially the exact same limitations, claim 1 being in apparatus claim format and claim 10 being in method format. As best the Applicant understands the rational for requiring restriction, the Examiner alleges that ". . .the expandable mold as claimed can be made by another and materially different process. For example, a plurality of non-separate mold sections may be secured by a releasable fastening mechanism". Contrary to this assertion, the apparatus of claim 1 could not be made this way, i.e. with "non-separate" mold sections, as claim 1 specifically requires "a plurality of separate mold sections. . .". Secondly, if the mold sections

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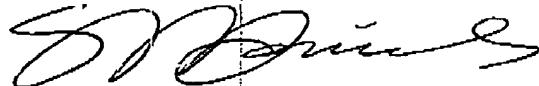
10/771,999

were "non-separate" there would be no logical reason to secure them together with a "releasable fastening mechanism", a feature which is also recited in claim 1.

With regards to the alleged distinction between groups II and III, the Applicant takes the position that merely because a separate independent claim recites a further specific limitation defining a previously recited and claimed feature of the invention, is not a materially different apparatus. If this were true than every dependent claim in any group of claims could be restricted. By way of explanation, the element of "at least a passage in claim 12, is merely a more specifically recited and defined aspect of the "releasable fastening mechanism" as disclosed in claims 1 and 10, and as recited in dependent claims therefrom. Thus, merely because claim 12 includes different recitations and further limitations to the same features as found in previous independent claims, this is not believed to rise to the level of "a patentable distinction."

Thus, the Applicant respectfully requests reconsideration of the restriction requirement and that the claims of all groups I, II and III be prosecuted together. In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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